IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 20383 of 2004

Between:

Rachakonda Usha Sri, w/o P.Gopal,
r/o Plot No.56, Near Durgam Cheruvu,

Amar Coop.Housing Society Limited,
Madhapur, Hyderabad.

..... PETITIONER

AND

1 Municipal Corporation of Hyderabad,

rep., by its Commissioner at Tank Bund Road, Hyderabad.
2 T.Bharathi, w/o T.Komaraiah,
Plot No.172, Kalyan Nagar, III Venture, Yousufguda, Hyderabad.
3 T.Komaraiah, s/o late T.Lakshmaiah,
Plot No.172, Kalyan Nagar, III Venture, Yousufguda, Hyderabad.
4 Refcon Estates Private Limited, at Plot No.172, Kalyannagar, Borabanda,
Hyderabad rep., by its Managing Director T.Komaraiah.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of writ of mandamus or any other appropriate writ or writs, order or direction declaring the action of the first respondent in not acting upon the representation dt.15-10-2004 made by the petitioner as illegal and arbitrary by directing the first respondent to forthwith act upon the complaint made by petitioner

and initiate steps in accordance with law for demolishing the illegal structures raised by respondents No.2 to 4 in "Bharathi Nilayam" situated at Plot Nos.12 & 13 in Sy.Nos.403/8, 403/9 and 403/11 of Women Co.op. Housing Society, Shaikpet Village, Hyderabad; award costs.

Counsel for the Petitioner:MR.H.VENUGOPAL

Counsel for the Respondent No.1: SMT.G.JYOTHI KIRAN, SC for MCH

Counsel for the Respondents 2 to 4: ….(none appeared)

The Court at the stage of admission made the following ORDER:

The present writ petition filed by the petitioner is not a bona fide one. Even according to the representation made by the petitioner dated 15-10-2004 to the Commissioner of Municipal Corporation of Hyderabad, the constructions were made by the builder even two years earlier to such representation and the builder also let out the apartments to various tenants and owners are collecting rents from the tenants. Admittedly, the petitioner purchased the property under a registered sale deed dated 21-08-2002 aware of the said construction and the present writ petition is filed only to settle the disputes between her and the builder.

In view of the same, no mandamus as such can be issued directing the first respondent for demolition of structures made by the builder. However, proper remedy of the petitioner is to approach the civil court and seek appropriate relief.

The writ petition is accordingly dismissed. No costs.

9th NOVEMBER, 2004.

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To

1 The Commissioner, Municipal Corporation of Hyderabad,

Tank Bund Road, Hyderabad.
2 Two CD copies.